



UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATIONS

Applicant: Joe Jumalon

Group Art Unit: 3751

Serial No.: 10/820,384

Examiner: Fetsuga, Robert M

Filed: April 7, 2004

Docket No.: P 0583.14006

Title: SINK WITH ATTACHABLE DECORATIVE PANEL

CERTIFICATE MAILING

I hereby certify that this correspondence is being deposited with
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Nov. 2006 *17th day of*
Diane Thomas
Diane Thomas

DECLARATION UNDER 37 CFR 1.132

I, William McKeone, hereby declare as follows:

1. I was graduated from Missouri State University in May 1980 with a B.S. Degree in Industrial Technology, with an emphasis in Design.
2. From 1980 - 1987, I was a Lead Industrial Designer for The Broadway Collection. I designed plumbing products, including sinks.
3. From 1987 - 2000, I was a Senior Industrial Designer for the Kohler Company. I designed plumbing products, including pedestal lavs and kitchen sinks.
4. From 2000 - 2003, I was a Lead Designer for Ann Sacks, a company owned by the Kohler Company. I designed plumbing products which included sinks.

5. I am a named inventor in over 80 design patents.
6. I have read and I understand the disclosure of U.S. patent application Serial No. 10/820,3874, entitled "SINK WITH ATTACHABLE DECORATIVE PANEL" ("the Application")
7. I have in particular reviewed claim 26 and understand that it claims a farm sink having two major components, a "top surface having a depression defining a basin of the sink," and "an apron depending downwardly from a front portion of the sink"
8. I have also read and I understand the disclosure of Smith, U.S. Patent No. 2,515,099, entitled "SINK ENCLOSURE" ("Smith").
9. I have been asked to explain, based on my own experience and education as set forth above, how certain claim terminology would be understood from the stand-point of a person of ordinary skill in the art of the invention described in the claims. I have focused on claim 26 of the Application as being representative for the purpose of comparing what is disclosed in Smith to the elements claimed in the Application.
10. Smith is entitled "Sink Enclosure." The enclosure is installed underneath a "sink 18." The sink 18, which for the record is not a farm sink, has "one or more bowls 20 and an over-hanging apron 22." The claimed enclosure is provided no reference number, but includes "a pair of opposed end walls 10, width extension plates 12, length extension plates 14, and a front wall assembly 16." Smith explains that "[t]hese members are assembled in the space beneath [the sink 18]."
11. Smith uses the terms "sink" and "apron" properly, i.e., as those terms are used and understood in the art. The apron 22 is a downwardly depending, integral part of the sink 18. Smith does not refer to the enclosure that is assembled in the space beneath the sink as being a sink, or as being part of the sink, because that would be incorrect usage of terminology. That is, the sink and the enclosure are understood to be separate parts, and Smith correctly states that the enclosure is assembled in the space beneath the sink, i.e., it is not part of the sink.
12. Claim 26 of the Application also uses the terminology "sink" and "apron" properly, as they are used in the art. A person of ordinary skill would understand that the parts in claim 26 find one-to-one correspondence in Smith. That is, the claimed "depression" corresponds to the "one or more bowls 20" in Smith, and the claimed "apron" corresponds to the "apron 22" in Smith.
13. A person of ordinary skill would further understand that there is nothing recited in claim 26 of the Application that corresponds to the enclosure in Smith. Such person would not

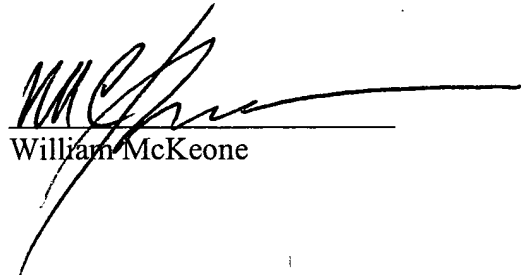
consider the enclosure in Smith to be either part of a sink in general, or to be an apron of the sink in particular.

14. Therefore, a person of ordinary skill would understand that the item referenced as 22 in Smith is an apron, while the items referred to as being part of the enclosure in Smith, e.g., item 10, are not an apron, nor are they associated with an apron.
15. A person of ordinary skill would recognize from Figures 1 and 3 in Smith that the apron 22 does not have a hole or a recess, and is not in any other discernable way adapted to receive any kind of panel.
16. I can find nothing in the Application that would lead a person of ordinary skill to deviate from the ordinary understandings and recognitions I have explained above.
17. Accordingly, it is factually incorrect to refer to anything shown in Smith other than item 22 as being an "apron" for the purpose of comparing the disclosure in Smith with the structure of claim 26 of the Application.

All statements made of my own knowledge are true and all statements made on information and belief are believed to be true. I have been warned that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing thereon.

DATE:

10/30/04



William McKeone